

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants: Satoru Sawada, et al. **Examiner:** Cristina O. Sherr
Serial No: 09/457,842 **Art Unit:** 3621
Filed: December 9, 1999 **Docket:** JP919980216US1 (12924)
For: DATA CHARGING SYSTEM, CONTENT GENERATOR, DATA CHARGING
APPARATUS, AND DATA CHARGING METHOD
Confirmation No.: 8134 **Dated:** April 14, 2008

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 2233-1450

REQUEST FOR RECONSIDERATION OF APPEAL BRIEF

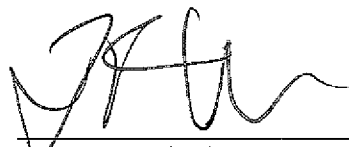
Dear Sir:

This request for reconsideration is filed in response to the Notification of Non-Compliant Appeal Brief (37 C.F.R. 41.37), dated March 14, 2008, which issued in connection with the Brief on Appeal submitted March 5, 2008.

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being deposited with the United States Patent & Trademark Office via Electronic Filing through the United States Patent and Trademark Office e-business website, on April 14, 2008.

Dated: April 14, 2008



John F. Vodopia


REMARKS

The Notification on Non-Compliant Appeal Brief dated March 14, 2008 ("the Notification"), indicated a deficiency that the brief on Appeal did not present a concise explanation of the subject matter defined in each of the independent claims involved in the appeal. That is, appellants V. Summary of Claimed Subject Matter, corresponding to 37 CFR 41.37(c)(1)(v), failed to present a concise explanation identifying and referring to all of the subject matter defined in independent claim 3. Instead, appellants had inadvertently submitted a duplicate of the concise explanation identifying and referring to all of the subject matter defined by independent claim 10. The Notification further indicated that the entire Brief on Appeal is not required, only the section found defective.

In response, appellants have amended section V. SUMMARY OF CLAIMED SUBJECT MATTER, in which a concise explanation identifying and referring to all of the subject matter defined in independent claim 3 is included, and the "first" duplicate of the concise explanation of independent claim 10 is now deleted. A copy of the amended section V is attached hereto.

Amended Section V, submitted in response to the Notification, is now believed to be fully compliant with the patent rules, fully describing a concise explanation identifying and referring to all of the subject matter defined in each of independent claims 1, 3, 10 and 13. Appellants, therefore, respectfully request reconsideration of their Brief on Appeal. If a telephone conference with applicant's attorney would support disposition of this application, and Petition, the Examiner is urged to telephone the undersigned at the number set forth below.

Respectfully Submitted,



John F. Vodopia
Registration No. 36,299

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza-Suite 300
Garden City, NY 11530
(516) 742 4343
JFV: vh

V. SUMMARY OF CLAIMED SUBJECT MATTER

Claims 1, 3-8, 10-16 and 21-25 are pending on appeal. Claims 1, 3, 10 and 13 are the independent claims. Claim 21 depends from claim 1, claims 4-8 depend from claim 3, claims 11 and 12 depend from claim 10 and claims 14-16 depend from claim 13.

A copy of claims 1-8, 10-16 and 21-25 (where claims 1, 2-8, 10-16 and 21-15 are the finally rejected claims on appeal) is attached hereto in the Claims Appendix. Independent claims 1, 3, 10 and 13 are presented (in this Section V.) with reference to support for the various independent claim features that are found in appellants' Specification, and related drawing figures. The reference to the support is provided parenthetically next to the independent claim features.

The invention of independent claim 1 sets forth a data charging system for charging for the use of object data (**Summary, page 4, line 19-page 5, line 4; Figs. 1, 2; Detailed Description, page 7, line 18-page 8, line 12**), the system comprising:

a server machine for generating contents containing a plurality of types of object data (**Detailed Description, page 19, lines 17-26**),

an IC card including a recording medium for recording (i) charging data for paying for said object data and (ii) recognition data for identifying the type of the object data (**Detailed Description, page 20, lines 1-28**), and

a client machines for receiving said contents generated by the server machine (**Detailed Description, page 19, lines 17-26**),

the client machine including a data charging apparatus for using said IC card to charge for the use of said object data by using said charging data and said recognition data which have been recorded on said IC card (**Detailed Description, page 20, lines 10-16**);

wherein said data charging apparatus comprises:

data reading logic for reading out said recognition data and said charging data from said recording medium (**Detailed Description, page 21, lines 4-9**),

a separator for separating said object data from said contents (**Specification, page 9, lines 4-14**),

a recognition logic for identifying the specific type of said separated object data by using said recognition data (**Detailed Description, page 22, line 22-page 23, line 5**),

an accounting logic for dynamically charging for the use of said separated object data, based on the type of data said separated object data is, as determined by using said recognition data, and by using said charging data which has been read out from the recording medium (**Detailed Description, page 24, line 12-page 26, line 16**), and

a writing logic for writing, as part of said charging data in the recording medium, the results of charging for the use of said separated object data (**Detailed Description, page 28, lines 12-18**).

The invention of independent claim 3 sets forth a data charging system (**Summary, page 4, line 19-page 5, line 4**) including a server machine which records(**Detailed Description, page 19, lines 17-26**), on an IC card recording medium (**Detailed Description, page 20, lines 1-28**), charging data for paying for object data and contained in contents and recognition data used for identifying the type of object data in said contents and pays for the use of said object data by using said charging data and said recognition data which has been recorded in the recording medium (**Figs. 1, 2; Detailed Description, page 7, line 18-page 8, line 12**),

a client machine including a data charging apparatus (**Detailed Description, page 19, lines 17-26**) comprising:

a data reading logic for reading said recognition data and said charging data from said recording medium (**Detailed Description, page 21, lines 4-9**),

a separator for separating said object data from said contents (**Specification, page 9, lines 4-14**),

a recognition logic for identifying the type of said separated object data by using said recognition data read out from the recording medium (**Detailed Description, page 22, line 22-page 23, line 5**),

an accounting logic for dynamically charging for the use of said separated object, based on the type of data said separated object data is, as determined by using said recognition data, and data by using said charging data which has been read out from the recording medium(**Detailed Description, page 24, line 12-page 26, line 16**), and

a writing logic for writing, as part of said charging data in the recording medium,

the results of charging for the use of said separated object data (**Detailed Description, page 28, lines 12-18**).

The invention of independent claim 10 sets forth a data charging method for using a server machine for generating contents which contain a plurality of types of object data and recognition data used for the identifying this object data in the generated contents, recording, in an IC card including a recording medium, (i) charging data for paying for said object data and (ii) the recognition data used for identifying the specified type of the object data, and charging for the use of said object data by using said charging data and said recognition data which have been recorded (**Figs. 9-18**), comprising the steps of:

delivering the generated contents to a client machine (**Specification, page 50, lines 9-27**); and

using the client machine for

reading said recognition data and said charging data from said IC card (**Specification, page 51, lines 5-12**),

separating said object data from said contents (**Specification, page 9, lines 4-14**),

identifying the specified type of said separated object data by using said recognition data which has been read out from the IC card (**Specification, page 51, lines 26-31**),

using the IC card to charge dynamically for the use of said separated object data, based on the specified type of data said object data is, as determined by using said recognition data, and by using said charging data which has been read out from the recording medium (**Specification, page 52, lines 1-13**); and

writing into the IC card, as part of said charging data, the results of charging for the use of said recognized object data (**Specification, page 52, line 15-page 53, line 15**).

The invention of independent claim 13 sets forth, in a data charging apparatus of a data charging system which uses a server machine to record, on an IC card including a recording medium, (i) charging data used for paying for object data of a specified type and contained in contents and (ii) recognition data used for identifying the specified type of the object data in said contents, and charges for the use of said object data by using said charging data and said

recognition data which have been recorded (**Summary, page 4, line 19-page 5, line 4; Figs. 1, 2; Detailed Description, page 7, line 18-page 8, line 12; Figs. 9-18**);

a computer program product enabling a client machine that has received said contents to execute the steps of:

reading said recognition data and said charging data from the IC card (**Detailed Description, page 21, lines 4-9**),

separating said object data from said contents (**Specification, page 9, lines 4-14**),

identifying the specified type of said separated object data by using said recognition data which has been read out from the IC card (**Specification, page 51, lines 26-31**),

using said IC card to charge dynamically for the use of said separated object data, based on the specific type of data said separated object data is, as determined by using said recognition data, and by using said charging data which has been read out from the recording medium (**Specification, page 52, lines 1-13**), and

writing into the IC card, as part of said charging data, the results of charging for the use of said recognized object data into said recording medium (**Specification, page 52, line 15-page 53, line 15**).